

Message Text

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ACTION EA-10

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FM AMEMBASSY SAIGON

TO SECSTATE WASHDC NIACT IMMEDIATE 2536

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TAGS: PINT MARR VS VN

SUBJECT: CONGRESSIONAL INQUIRY

REF: STATE 023543

1. THE FOLLOWING HAS BEEN PREPARED TO ASSIST THE DEPARTMENT IN RESPONDING TO QUERIES BY CONGRESSMAN PAUL MCCLOSKEY.

2. WHILE HANOI NORMALLY LETS ITS SOUTHERN APPENDAGE, THE "PRG" MAKE THE OFFICIAL CHARGES OF SPECIFIC USG AND GVN "VIOLATIONS" OF THE PARIS AGREEMENT, THE RECENT SECOND ANNIVERSARY OF THE PARIS SIGNING PROVIDED AN OPPORTUNITY FOR THE DRV'S FOREIGN MINISTRY TO SUMMARIZE THE SITUATION. DRV FONMIN'S NOTE TO PARIS SIGNATORIES OF JAN 27 SPECIFICALLY CITED "VIOLATIONS" OF ARTICLES 1, 4, 20 AND 21.

A. RE ARTICLES 1 AND 4, WHICH NOTE LUMPS TOGETHER, FONMIN CLAIMS THAT USG "...HAS NOT RESPECTED THE VIETNAMESE PEOPLE'S FUNDAMENTAL NATIONAL RIGHTS, NAMELY INDEPENDENCE, SOVEREIGNTY, UNITY AND TERRITORIAL INTEGRITY, AND THE SOUTH VIETNAMESE PEOPLE'S RIGHT TO SELF-DETERMINATION." IN FACT, DRV DOES NOT CITE FULL TEXT OF ART. 1 WHICH STATES "THE UNITED STATES AND ALL OTHER COUNTRIES RESPECT THE INDEPENDENCE, SOVEREIGNTY, UNITY, AND TERRITORIAL INTEGRITY OF VIET-NAM AS RECOGNIZED BY THE 1954 GENEVA AGREEMENTS ON VIET-NAM." THE GENEVA AGREEMENTS CLEARLY DIVIDED VIETNAM INTO TWO PARTS, NORTH AND SOUTH, AND STATED THEY SHOULD BE LIMITED OFFICIAL USE

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REUNIFIED BY PEACEFUL MEANS. AT THE PRESENT TIME IT IS NORTH

VIETNAM WITH ITS LARGE FORCES IN THE SOUTH THAT IS VIOLATING THE INDEPENDENCE, SOVEREIGNTY, UNITY, TERRITORIAL INTEGRITY AND RIGHT TO SELF-DETERMINATION OF SOUTH VIETNAM.

B. DRV FURTHER CLAIMS US "...HAS NOT STOPPED ITS MILITARY INVOLVEMENT AND INTERFERENCE IN THE INTERNAL AFFAIRS OF SOUTH VIETNAM." (ART. 4) IN FACT, U.S. MILITARY INVOLVEMENT HAS COMPLETELY STOPPED AND WE ARE PROVIDING FAR LESS THAN THE ONE-FOR-ONE REPLACEMENT PERMITTED BY THE AGREEMENT. AS FOR INTERFERENCE IN INTERNAL POLITICS, THE U.S. IS ONLY ASSISTING THE LEGAL, ELECTED GOVERNMENT OF SVN TO RESIST OUTSIDE AGGRESSION AND IS NOT INVOLVED IN INTERNAL VIETNAMESE POLITICS.

C. DRV ALLEGES U.S. "...HAS INTRODUCED LARGE QUANTITIES OF WEAPONS AND AMMUNITION AND BROUGHT MORE U.S. MILITARY PERSONNEL INTO SOUTH VIETNAM, AND CONTINUED THE WAR THROUGH THE INSTRUMENTALITY OF THE NGUYEN VAN THIEU ADMINISTRATION IN AN ATTEMPT TO IMPOSE U.S. NEOCOLONIALISM ON THE WHOLE OF SOUTH VIETNAM AND TO PERPETUATE THE PARTITION OF OUR COUNTRY." IN FACT, AS NOTED ABOVE, WE HAVE NOT EVEN PROVIDED THE ONE-FOR-ONE REPLACEMENT ALLOWED UNDER THE AGREEMENT, AND THE OFTEN-HEARD ALLEGATION THAT WE MAINTAIN 25,000 DISGUISED MILITARY ADVISORS IN TOTAL NONSENSE. THE U.S. STRONGLY SUPPORTS SELF-DETERMINATION FOR THE PEOPLE OF SOUTH VIETNAM THROUGH A POLITICAL SETTLEMENT WITH ELECTIONS AS CALLED FOR BY THE AGREEMENT AND IT IS THE DRV/"PRG" WHICH HAS ABANDONED NEGOTIATIONS FOR FORCE.

D. DRV AND "PRG" PROPAGANDA ALSO OFTEN CLAIMS THAT THE U.S. PROVIDES MASSIVE SUPPORT INCLUDING ADVISORS (WHICH WOULD BE A VIOLATION OF ARTICLE 5) TO THE RVN POLICE AND PRISON SYSTEMS. IN FACT, ALL AMERICAN POLICE ADVISORS WERE WITHDRAWN FROM VIETNAM BY MARCH 27, 1973. SUBSEQUENT TO THAT DATE U.S. CONTINUED TO PROVIDE SOME ASSISTANCE AND TRAINING IN THE UNITED STATES, BUT THESE ACTIVITIES ARE NOW PROHIBITED BY LAW AND HAVE BEEN TERMINATED, AS SUBSTANTIATED BY THE GAO.

E. THE SAME DRV NOTE ALSO CHARGES THAT THE GVN HAS VIOLATED ARTICLES 1 AND 4 OF THE PARIS AGREEMENT IN THE FOLLOWING WAYS:
(1) "THE GVN HAS SABOTAGED THE CEASEFIRE WITH REPEATED PACIFICATION AND LANDGRABBING OPERATIONS EVER SINCE THE PARIS AGREEMENT WAS LIMITED OFFICIAL USE

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SIGNED." IN FACT, WHEN THE HOUR OF THE CEASEFIRE ARRIVED A WIDE-SPREAD NORTH VIETNAMESE OFFENSIVE WAS UNDERWAY. THIS OFFENSIVE REPRESENTED AN ATTEMPT BY HANOI TO CONQUER AS MUCH TERRITORY AND POPULATION AS POSSIBLE WHILE THE SOUTH VIETNAMESE FORCES WERE CONFUSED BY THE CEASEFIRE ORDER. THE RVN FORCES FOUGHT BACK AND EVENTUALLY RECOVERED NEARLY ALL THE TERRITORY EARLIER SEIZED BY THE NORTH VIETNAMESE. THE FIGHTING HAS CONTINUED, AND THE COMMUNISTS DID NOT EVEN PRETEND THE RECENT SEIZURE OF

GVN PHOUC LONG PROVINCE WAS AS ELF-DEFENSE MEASURE, BUT DEFENDED IT AS "PUNISHMENT" OF THE GVN. (2) "IT HAS MAINTAINED IN DETENTION IN HARSH CONDITIONS HUNDREDS OF THOUSANDS OF POLITICAL PRISONERS, TRAMPLED UPON DEMOCRATIC FREEDOMS (ARTICLE 11), AND PERSECUTED AND REPRESSED THOSE WHO DO NOT SHARE THEIR VIEWS." IN FACT THE GVN HAD TO PUSH HARD EVEN TO PERSUADE THE "PRG" TO COMPLETE THE PRISONER EXCHANGES CALLED FOR BY THE AGREEMENT, AND THE COMMUNIST SIDE IS KNOWN TO STILL HOLD MANY PRISONERS, BOTH CIVILIAN AND MILITARY. IN SUCH A BITTER CONFLICT THE GVN MIGHT BE EXPECTED TO HOLD SOME POLITICAL PRISONERS, IN THE SENSE OF SOMEONE WHO HAS BEEN JAILED ONLY BECAUSE OF HIS PEACEFUL OPPOSITION TO THE GOVERNMENT RATHER THAN FOR A VIOLATION OF LAW, BUT SO FAR THE U.S. MISSION IN SAIGON HAS BEEN UNABLE TO FIND ANY CLEAR-CUT EXAMPLE OF THIS KIND. THE DEGREE OF POLITICAL FREEDOM IN SOUTH VIETNAM IS TRULY SURPRISING FOR A COUNTRY AT WAR AND WITH LIMITED DEMOCRATIC TRADITIONS. MEANWHILE THE POPULATION UNDER "PRG" CONTROL ENJOYS NO DEMOCRATIC FREEDOM AND IS SUBJECT TO TIGHTER THAN USUAL COMMUNIST REGIMENTATION. (SEE SAIGON 1277) (3) "IT HAS TURNED DOWN THE FAIR AND REASONABLE PROPOSALS MADE BY THE PRGRSV AND COMPLETELY PARALYZED THE CONSULTATIVE CONFERENCE BETWEEN THE TWO SOUTH VIETNAMESE PARTIES." IN FACT, THE GVN HAS ADVANCED FAIR AND REASONABLE PROPOSALS IN THE POLITICAL TALKS AND IT IS THE "PRG" WHICH SUSPENDED THEM MAY 13, 1974 AND SINCE OCT 8, 1974 HAS BEEN DEMANDING PRESIDENT THIEU'S OVERTHROW AS THE PRICE OF ITS RETURN TO THE TALKS. IT HAS REJECTED CALLS BY BOTH PRESIDENT THIEU AND FOREIGN MINISTER BAC TO RETURN TO THE NEGOTIATIONS IN PARIS. (4) "OF LATE, IT HAS TRIED TO FORCE THE ICCS TO ACT ACCORDING TO ITS DESIRES IN ORDER TO SLANDER THE PRGRSV AND TO COVER UP ITS SCHEMES AND ACTS OF SABOTAGE OF PEACE AND OF THE AGREEMENT." IN FACT, IT IS THE DRV AND "PRG" WHO HAVE LARGELY NEGATED THE ICCS BY REFUSING TO COOPERATE WITH IT OR TO PAY THEIR SHARE OF ITS EXPENSES AS STATED IN THE ICCS PROTOCOL. LIMITED OFFICIAL USE

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THE DRV AND "PRG" HAVE ALSO BLOCKED THE ICCS FROM ESTABLISHING THE FIVE TEAM SITES IN "PRG" TERRITORY CALLED FOR UNDER THE PARIS AGREEMENT.

F. REGARDING ARTICLE 20, THE DRV NOTE CLAIMS THAT THE USG "HAS PURSUED THE WAR OF AGGRESSION AGAINST THE CAMBODIAN PEOPLE AND IS HELPING THE LAO ULTRA-RIGHTISTS TO OPPOSE THE VIENTIANE AGREEMENT, PEACE, AND NATIONAL CONCORD IN LAOS. THE

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U.S. GOVERNMENT, HAS, MOREOVER, MAINTAINED A DETERRENT FORCE IN THAILAND AND SOUTHEAST ASIA WITH A VIEW TO OPPOSING "THE VIETNAMESE AND OTHER INDOCHINESE PEOPLES." IN FACT, THE U.S. IS HELPING THE LEGITIMATE CAMBODIAN GOVERNMENT RESIST AGGRESSION AND STRONGLY SUPPORTS THE NEGOTIATED SOLUTION IN LAOS. THE AMERICAN FORCES IN THAILAND, WHICH HAVE BEEN CONSIDERABLY REDUCED, ARE OBVIOUSLY THERE FOR DEFENSIVE AND NOT OFFENSIVE PURPOSES AND WITH FULL CONSENT OF THE THAI GOVERNMENT.

G. THE DRV NOTE ALSO CHARGES THAT THE U.S. "HAS REPEATEDLY SENT AIR AND NAVAL CRAFT TO INTRUDE INTO THE AIRSPACE AND TERRITORIAL WATERS OF THE DRV AND OPENLY DECLARED THAT IT WILL NOT FULFILL ITS OBLIGATIONS REGARDING THE HEALING OF THE WOUNDS OF WAR IN THE DRV AS PROVIDED FOR IN ARTICLE 21 OF THE PARIS AGREEMENT ON VIETNAM". IN FACT, CONCERNING DRV AIRSPACE, MASSIVE "DRV" VIOLATIONS OF THE AGREEMENT WOULD FULLY JUSTIFY SOME RECONNAISSANCE ACTIVITY NECESSARY. WE HAVE NOT VIOLATED DRV TERRITORIAL WATERS. AS FOR ARTICLE 21, WE CLEARLY CANNOT PROVIDE ECONOMIC ASSISTANCE TO NVN WHEN IT IS OBVIOUSLY VIOLATING MANY IMPORTANT PROVISIONS OF THE AGREEMENT, MOUNTING MILITARY OFFENSIVES TO CONQUER THE SOUTH BY FORCE, AND REFUSING EVEN TO HOLD MEETINGS OF THE FOUR PARTY JOINT MILITARY TEAM TO DISCUSS ITS OBLIGATIONS UNDER ARTICLE 8B OF THE AGREEMENT CONCERNING MIA'S.

H. MOST DRV STATEMENTS SIMPLY ALLUDE TO "BRAZEN" OR "GRAVE" VIOLATIONS WITHOUT CITING SPECIFIC CLAUSES OF THE AGREEMENT. MOREOVER, THE "PRG" IS NORMALLY TASKED BY HANOI WITH LIMITED OFFICIAL USE

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PROTESTING ALLEGED VIOLATIONS WHICH OCCUR IN SOUTH VIETNAM. IF

SPACE PERMITTED A FULLER INDEX OF DRV OFFICIAL CHARGES OVER THE PST TWO YEARS COULD BE DEVELOPED, BUT THE FOREGOING COVERS THE MAIN TYPES OF VIOLATIONS ALLEGED BY HANOI.

3. CONCERNING PARA 1B OF REFTTEL, THE "PRG WHITE BOOK", ISSUED IN LATE JANUARY FOR THE SECOND ANNIVERSARY OF THE PARIS AGREEMENT, CLAIMS THERE HAVE BEEN SOME 532,154 CEASEFIRE VIOLATIONS BY GVN FORCES, INCLUDING 394,109 INCIDENTS OF PACIFICATION AND POLICE OPERATIONS AND 59,794 INSTANCES OF WHAT THE COMMUNISTS CALL "LAND-GRABBING OPERATIONS" I.E., GVN FORAYS INTO WHAT THEY CLAIM AS "LIBERATED AREAS". THE "WHITE BOOK" LISTS THE FOLLOWING "PRO-LONGED AND FIERCE ATTACKS AGAINST THE AREAS UNDER THE CONTROL OF THE PRGRSV":

- "70 BATTALIONS CARRIED OUT OPERATIONS IN CHUONG THIEN FROM JUNE TO SEPTEMBER 1973";

- "52 BATTALIONS IN LE MINH (GIA LA), BAN DON (DAC LAC) AND NORTH KONTUM FROM FEBRUARY TO APRIL 1974";

- "OVER 2 DIVISIONS IN BEN CAT (THU DAU MOT) FROM MAY TO NOVEMBER 1974";

- "A FORCE OF MORE THAN ONE DIVISION LAUNCHED LAND-GRABBING OPERATIONS IN THUA THIEN AGAINST THE MO TAU AREA (NORTHWEST OF PHU BAI)".

4. A NOVEMBER 26, 1974 STATEMENT BY THE "PRG" FONMIN SPOKESMAN CHARGED "DIVISION-SIZED OPERATIONS IN MANY LIBERATED AREAS - NAMELY":

- "THE OPERATION...AGAINST THE LIBERATED AREAS NORTH OF THE DONG NAI RIVER IN BIEN HOA PROICNPF";

- "THE LARGE-SCALE SWEEP IN THE BEN CAT AREA";

- "THE NIBBLING OPERATION IN THE LIBERATED RACH BAP AREA IN THU DAU MOT PROVINCE."

5. IN ADDITION TO AREAS MENTIONED ABOVE, THE "PRG" HAS CHARGED THE LIMITED OFFICIAL USE

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GVN WITH INCURSIONS INTO "LIBERATED" COASTAL AREAS OF SOUTHER MR-1 AND MR-2, NOTABLY BINH DINH AND QUANG NGAI PROVINCES RESPECTIVELY, INTO THE "IRON TRIANGLE" AREA OF CENTRAL MR-3, AND INTO THE TRI PHAP AREA IN THE DELTA.

6. OFTEN THE "PRG" WILL PROTEST A MINOR GVN PROBE INTO A CONTESTED AREA IN ORDER TO JUSTIFY A PLANNED AND MUCH HEAVIER ASSAULT INTO GVN-HELD TERRITORY AT A LATER DATE. OR, AS IN THE CASE OF XA HUYNH,

A MINOR FISHING PORT IN QUANG NGAI PROVINCE WICH THEY WANTED TO TURN INTO A LEGAL ENTRY POINT UNDER THE AGREEMENT, THE VC MOVED IN AFTER THE CEASEFIRE AND THEN PROTESTED VIGOROUSLY THAT IT WAS "LIBERATED TERRITORY" WHEN THE GVN MOVED TO TAKE IT BACK. IN GENERAL, HOWEVER, THE "PRG" HAS BEEN EXTREEMELY VAGUE ABOUT ITS TERRITORIAL CLAIMS SO THAT IT CAN RATIONALIZE VIRTUALLY ANY MILITARY ATTACK IN SOUTH VIETNAM AS AIMED AT RECAPTURING LOST TERRITORY. "PRG" PROPAGANDA IS NOT COUCHED IN TERMS OF STATING WHAT "LIBERATED" AREAS HAVE BEEN CAPTURED SINCE THE CEASEFIRE, BUT RATHER IN TERMS OF WHERE GVN FORCES ARE ALLEGEDLY MAKING INCURSIONS.

7. IN ADDITION TO NOTING THE SEIZURE OF PHUOC LONG, DEPARTMENT MAY WANT TO GIVE CONGRESSMAN FOLLOWING LIST OF GVN DISTRICT TOWNS AND HEADQUARTERS CAPTURED BY THE COMMUNISTS SINCE THE CEASE-FIRE, WITH DATES OF CAPTURE:

DAK SUT - MAY 16, 1974
THUONG DUC - AUG 7, 1974
MINH LONG - AUG 17, 1974
MANG BUK - AUG 20, 1974
CHUONG NGHIA - OCT 1, 1974
DUC PHONG - DEC 14, 1974
HUNG LONG - DEC 16, 1974
BO DUC - DEC 22, 1974
TANH LINH - DEC 25, 1974
DON LUAN - DEC 26, 1974
PHUOC BINH - DEC 31, 1974

8. SIMILARLY, FOLLOWING IS A LIST OF MAJOR GVN BASES SEIZED SINCE THE CEASE-FIRE:

LE MINH - SEPT 20, 1973
BACH MA - OCT 12, 1973
BU PRANG - NOV 4, 1973
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BU BONG - NOV 4, 1973
CHI LINH - APR 5, 1974
TONG LE CHAN - APR 12, 1974
DAK PEK - MAY 16, 1974
TIEU ATAR - MAY 30, 1974
DA TRACH - JULY 18, 1974
LION - JULY 31, 1974
LAC SON - AUG 4, 1974
BINH LONG - AUG 28, 1974
GIA VUC - SEPT 20, 1974
BU NA - DEC 15, 1974

9. RE QUERY ABOUT "LE THI THI", SO FAR WE HAVE NOT BEEN ABLE TO TRACE THIS INDIVIDUAL BUT ARE CONTINUING URGENT EFFORTS AND WILL REPORT FURTHER.

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